

In re Appln. of HARDEE, et al.
Application No. 09/998,603

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated November 25, 2003 is presently pending in the application. Claim 22 has been amended, Claims 35-40 have been added and Claims 32-34 have been cancelled in this Amendment. Therefore, Claims 1-27 and 35-40 are pending in the application.

The Rejections In View of Barker

Claims 22 and 23 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 4,265,261 to Barker. Similarly, Claims 24-27 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over *Barker* in view of U.S. Patent No. 6,154,884 to Dehner. These rejections are respectfully traversed.

Barker discloses a tent made having a gusset that is placed in a lower corner. This gusset is likely used for supporting of the internal poles of the tent in *Barker*, but does not provide the waterproofing qualities of the present invention. Moreover, the gusset in *Barker* does not make obvious the use of inverted corners with the tub of a tent such as is taught by the present invention and is now included in amended claim 22. A tub floor having at least two corners requires inversion of the two corners, turning the entire structure inside out. This feature is not shown or made obvious by *Barker* or any other references of record.

New Claim 35 is directed to a tent having a floor tub having at least two corners, each corner having a stitched seam extending along the inside of the corner and a sealing tape extending inside the corner and welded over the stitched seam. This structure is not shown or made obvious by the combination of *Barker* and *Dehner*. Specifically, *Barker* does not disclose a floor tub as is set forth in Claim 35, or two corners in one structure that have a stitched seam along the inside, and a sealing tape over the stitched seam.

Moreover, neither *Barker* nor *Dehner* address the issue of adjoining polyethylene as set forth in dependent Claims 36 and 37. Although the Examiner takes Examiner's Notice that the use

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of polyethylene is interchangeable with other materials, Applicants respectfully disagree with respect to the present invention. As set forth on page 15 in the application, the present inventors developed at least one method by which a sealing tape could be used with polyethylene; i.e., using a polyethylene sealing tape. As far as the inventors are aware, a method for using polyethylene for a floor tub and sealing that tub with sealing tape did not exist prior to the present invention, and if the Examiner continues to assert that it did, Applicants respectfully request a reference showing such a structure.

Claim 38 is directed to the floor tub of Claim 35 being formed of a single sheet of material. This feature is also not shown or made obvious by the prior art.

Claims 39 and 40 are directed to a fabric structure and a tent, respectively, each having a floor tub. The floor tub includes a floor and at least two sides extending upward from the floor and at least one corner adjoining the floor and at least two sides in a watertight connection. Prior to the Applicants' invention, Applicants were not aware of any other floor tub for a tent that included corners which did not leak; i.e., which were sealed in a watertight connection. In fact, to this day, Applicants have tested many competitor products and have found no other floor tubs (other than those made by the assignee of the present invention) that have watertight connections at the corners. Applicants have had success not only in water not penetrating the floor tub, but also in the floor tub holding water when water is placed in the interior of the floor tub. Because such a structure did not exist prior to Applicants' invention and, moreover, because such a structure is not shown or made obvious by the prior art, Applicants submit that Claims 38 and 39 should be allowed.

For the sake of clarity, the independent claims and some of the dependent claims of the application are discussed in this Amendment. Applicants submit that the independent claims are allowable, and therefore the other dependent claims are allowable at least because they are dependent upon allowed claims. Nevertheless, Applicants submit that the dependent claims further define subject matter not shown or made obvious by the prior art.

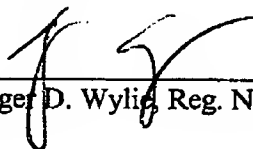
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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-27 and 35-40 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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